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indicator to the user's computer corresponding to the advertisement. Instead, Dedrick teaches running a local program on the user's computer that records such advertisement consumption without communicating with an outside server. It is Applicants' understanding that it was on this basis that the finality of the prior Final Office Action (dated November 6, 2001) was withdrawn and the most recent Final Office Action was issued on July 17, 2002. The new Final Office Action relies upon Dedrick to reject claims 1-19 and 20.

The Final Office Action dated July 17, 2002, and the references cited therein have been carefully considered. Claims 1-18 and 20-50 are presently pending. Claims 1-12 are rejected in the Final Office Action as anticipated by Dedrick U.S. Pat. 5,724,521. Claims 1-18 and 20-50 are rejected in the Final Office Action as anticipated by Goldhaber et al. U.S. Pat. 5,794,210. No claims currently stand allowed. In view of the reasons set forth herein below, the pending claims 1-18 and 20-50 are patentable over the prior art presently known to Applicants. Accordingly, Applicants request favorable reconsideration of the previous rejection of the now pending claims. Please charge any fee deficiencies to Deposit Account No. 12-1216.

For the sake of brevity, Applicants confine their remarks to the independent claims. In doing so, it is Applicants' intention to explain their position and receive a response in order to gain a better understanding of the grounds presently cited in the Final Office Action, for rejecting Applicants' independent claims. Applicants maintain their position that all the pending claims are patentable over the prior art present known to them and will address/traverse such rejections, if necessary, in their appeal brief.

Applicants traverse the rejection of **claims 1-12** over Dedrick. Dedrick discloses a particular method for metering advertisement presentation upon client computers. Dedrick discloses monitoring delivery of advertisements to users and also their "subsequent consumption." The metering server 14 in Dedrick maintains data regarding user profiles of advertisement recipients and advertisement deliveries to the users. The metering server 14 also receives information from the user computers (via a client activity monitor that resides and runs on the user computers) regarding user's subsequent consumption of the delivered advertisements.

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The presently claimed invention is directed to a system and method for facilitating measuring effectiveness of advertisements (e.g., banner ads) that are executed/displayed on user computers. This is achieved by the invention recited in claim 1 wherein a code associated with an advertisement, received by a (user) computer, initiates sending a signal, indicative of activation of the advertisement on the computer, to a server capable of supplying an indicator of such activation. As recited in claim 1, the user computer upon which the advertisement is activated also includes a file within which the indicator of the advertisement activation is stored. In summary, elements of claim 1 include:

- (1) a server capable of supplying an "indicator" of particular ad execution to user computers;
- (2) executable ads including "a code" such that when executed, a signal is sent to the server;
- (3) a user computer on which the advertisement is activated for viewing by a user, a signal is sent to the server, and the corresponding indicator is receive and stored.

In contrast, Dedrick discloses a program module that executes locally on the user computer that records the ad activation (rather than informing a non-local server). Thus, Dedrick does not disclose or suggest a code associated with an ad such that, when the ad is executed, the user computer sends a signal to a server, and the server responsively provides an indicator stored within a file on the user computer. Finally, Applicants note that the Final Office Action did not account for modifications to the "a computer" paragraph of claim 1 made by Applicants' prior amendment and thus did not address said amendment.

Applicants reserve the right to traverse the dependent claims 2-12 for at least the reason that the rejections require an obviousness analysis since the cited reference does not include each recited element.

Applicants now address the rejection of claims 1-18 and 20-50 as anticipated by Goldhaber et al. U.S. Pat. 5,794,210. Goldhaber discloses an attention brokerage system that is intended to raise the level of attention of users by rewarding users for viewing advertisements on their computers through the award of "cyber currency." The Goldhaber

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patent does not appear to be concerned with facilitating measuring effectiveness of the advertisements themselves. More importantly, the Goldhaber patent stores values on the server computer (106) database (120) evidencing advertisement execution by the user computer (104).

With regard to the rejection of **claim 1** on page 9 of the Final Office Action, Applicants respectfully assert that the "cybercoin 62" does not fall within the scope of the claimed "code." In particular, the claimed code "initiates sending a signal to the server indicative of activation of the advertisement." As such, according to claim 1, the advertisement must have already been loaded on the computer and activated when the code executes on the user's computer to initiate sending the signal to the server. However, according to the Final Office Action, the cybercoin 62 is selected in order to *download* the advertisement. It thus appears that the Goldhaber reference teaches a system wherein the claimed "code" need not be associated with an advertisement because the user's selection of the cybercoin, before the advertisement is downloaded, results in downloading and execution of the advertisement. For this reason, the "attaching" step of **claim 13** is similarly not disclosed or suggested by Goldhaber's "cybercoin." For at least this reason, the associated dependent claims of claims 1 and 13 are also patentable over Goldhaber.

With regard to the rejection of **claim 18** on page 15 of the Final Office Action, Applicants note that the claim also recites attaching a code to an advertisement that facilitates generating a signal to a server when the advertisement is activated. Thus, claim 18 and dependent claim 20 are patentable over the Goldhaber reference.

With regard to the rejections of **claim 21** on page 15 and **claim 34** on page 20 of the Final Office Action, the user/server interaction process described in Goldhaber lacks the recited "storing" element. Goldhaber identifies a database 120 that stores a user advertisement execution history. However, the database 120, described at column 12 (lines 14-37) and column 16 (lines 20-30), is maintained on the server – as evidenced by the placement of contact information 122 (which would be irrelevant if placed upon the user

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computers). Advertisement execution/interaction information (as stated in the preamble of claims 21 and 34) "facilitating measuring effectiveness of advertisements activated" on users' computers is also stored within the database 120 on the server described in column 12 of Goldhaber. Nowhere does Goldhaber disclose or suggest storing the advertisement activation information upon the user computer 104 in accordance with the recited "storing" element recited in both claims 21 and 34. For at least this reason, claims 21 and 34 and their associated dependent claims are patentable over Goldhaber.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application and all the pending claims to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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